



# PLANNING COMMISSION

## MINUTES

January 12, 2011

7:30 P.M.

CITY OF FREDERICKSBURG  
715 PRINCESS ANNE STREET  
COUNCIL CHAMBERS

### COMMISSION MEMBERS

Roy McAfee, Chair  
Dr. Roy Gratz, Vice-Chair  
Berkley Mitchell, Secretary, Absent  
Susan Spears  
Ricardo Rigual  
Edward Whelan, III, Absent  
Shawn Lawrence

### CITY STAFF

Ray Ocel, Director of Planning

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### 1. CALL TO ORDER

The January 12, 2011 Planning Commission meeting was called to order at 7:30 p.m. by Chairman Roy McAfee.

### 2. PLEDGE OF ALLEGIANCE

### 3. ADOPTION OF MINUTES

- o The December 8, 2010 – Approved/adopted as submitted.

### PUBLIC HEARING ITEMS

1. **SE 2011-01: Mary Washington Healthcare** – Special Exception request in order to erect three free standing signs, two at the intersection of Jefferson Davis Highway and Mary Washington Boulevard and one at the intersection of Cowan Boulevard and Hospital Drive that are in excess of the maximum height and size requirements contained within the sign ordinance. Each of the three signs are proposed to be 30' tall and contain 229 square feet of sign area.

Mr. McAfee noted that this item had been advertised in the newspaper but had since been postponed for one month at the request of the applicant. However, he asked if there was anyone in the audience that would like to speak to the issue to please do so.

There was no public comment on the above item at this time.

2. **SE 2011-02: Humanities Foundation** - Special Exception request to amend a previously approved special exception permit to construct 60 apartment units exclusively for persons aged 55 and older. The applicant seeks to amend the conditions of the previously approved permit in order to utilize an alternate funding mechanism and a modified

development plan. The vacant property is not addressed but is located approximately 100' east of the intersection of Weston Lane and Fall Hill Avenue. The property is zoned CT, Commercial Transitional and is designated as Medium Density Residential on the Land Use Map contained within the Comprehensive Plan.

Mr. Ocel said that this application is a request to amend the conditions of a previously approved special exception application to construct 60 apartment units exclusively for persons aged 55 and older. The applicant seeks to amend the conditions of the previously approved permit in order to utilize an alternate funding mechanism and a modified development plan. The subject property is not addressed but is located approximately 100' east of the intersection of Weston Lane and Fall Hill Avenue, on the north side of Fall Hill Avenue. The property is approximately 5 acres in size is zoned CT, Commercial Transitional and is designated as Medium Density Residential on the Land Use Map contained within the Comprehensive Plan. The site is currently vacant and contains stands of vegetation and a large pile of spoiled soil.

The subject site was zoned R-1, the same designation that this and other parcels carried when brought under City jurisdiction with the 1984 annexation. The adjoining Franklin family-owned property that extends from Fall Hill Avenue to the river is also zoned R-1 Residential. This includes the site of the nearby historic "Fall Hill" mansion which has been placed under the preservation protection of the Virginia Department of Historic Resources.

The Riverview Apartments and nearby Central Park Townhouse complexes also remain under the R-1 zoning currently, rendering all of these uses "grandfathered" non-conforming uses. The small commercial strip fronting Fall Hill Avenue (7-11, car wash, laundry, Bragg Hill Family Life Center, etc.) has been rezoned to the appropriate commercial designation (C-H) since the 1984 annexation. Across Fall Hill Avenue from the subject site is the R-16 zoned Crestview Apartments complex, consisting of 180 apartments. The Fall Hill Apartments are located immediately west of the subject site and the property is zoned R-12.

Mr. Ocel said that he had received additional documents from the applicant since the Commission packets were sent to members. He said the applicants have provided two letters of support; a market analysis (justification for the project); and a revised GDP. He said the revised GDP now shows only one access (at traffic signal) to Weston Lane. He noted that the Fire Chief has received this revision as well and will be getting back to staff prior to the January 26, 2011 Commission meeting with his comments.

Mr. Ocel also noted that the applicant had reduced the amount of provided parking spaces after suggestions from staff requesting additional green space. He said the original application stated there would be 90 parking spaces and that this amount has now been reduced to 58 spaces for allow for that additional green space. Also, he said, the new GDP reflects the 50-foot wide buffer. The height of the proposed project has also been revised. Mr. Ocel said that the height of the building has been reduced from a four-story building to a three story building in order to stay under the 40' height limit.

Mr. Ocel said that staff believes the application meets the special exception criteria and noted the following conditions to be considered by the Planning Commission. He said he had changed Condition #5 from 2 years to 30 months due to the tax credit application process, which would require additional time to complete.

1. The project shall be developed in substantial accordance with the application for special exception dated 12/1/10, including supplementary materials submitted by the applicant.
2. The project shall be constructed and operate as a VHDA Low Income Housing Tax Credit program for at least 40 years from the date of the issuance of the certificate of occupancy.

3. The maximum number of units to be developed shall be sixty (60), with a maximum of two bedrooms per unit.
4. A signal warrant analysis will be paid for and conducted by the applicant and provided with the submission of the first site plan for the property. If a traffic signal is warranted, the applicant agrees to share in the cost of the traffic signal based upon the amount of traffic generated from the project. Funds for the applicant's share of the traffic signal shall be paid to the City prior to approval of the site plan.
5. That the project shall obtain the first occupancy permit within 30 months of the approval of the special exception.
6. That an evergreen tree buffer be established between the building and the eastern property line.

Mr. Lawrence asked how many ADA units would be constructed with the project.

Mr. Ocel said the applicants will include three ADA units.

Dr. Gratz asked if there were any future plans for the property in the panhandle.

Mr. Ocel said that property had been set aside for a future right of way but that the interchange will is no longer a feasibility so this area will remain as open space.

Ms. Spears said she was concerned about the reduction in parking spaces. She said the originally planned 90 spaces did not seem excessive and that the newly proposed one space per unit appears to be too restrictive.

Mr. Ocel said the zoning ordinance only requires 1 space per three units, which would be approximately 25 spaces but that the applicant has proposed the 58 spaces based on previous projects of this nature.

Mr. McAfee said he was concerned that the number of parking spaces was derived from "previous experience of the applicants" rather than actual planning practices numbers.

Mr. Ocel reiterated that the ordinance actually would only require approximately 25 spaces for this type of project.

Mr. McAfee said he has an issue with that statement since this "project" is not a use permitted by the ordinance in this area.

Mr. Charlie Payne, Attorney for the applicant, 725 Jackson Street, Fredericksburg, 22401, thanked staff for doing a great job at outlining the application. He then provided a brief description of the proposed project.

Mr. Lawrence said he admires the applicants for proposing an affordable housing project. However, he said, he is concerned with the project only containing three (3) ADA units. He noted that this project is for persons 55 and older and that these people will only continue to age. He asked where these people will go should they become disabled. He suggested that additional ADA units be considered for the project.

Mr. Payne said the applicants are following VHDA guidelines and that it is their experience that this is the percentage that would be needed.

Mr. Lawrence said he was happy to see the affordable rent money asked if the people that would be considered for these units would be required to make two or three times the amount of rent proposed to be charged.

Mr. Payne said the criteria is per VHDA requirements, which actually limits income for this particular project to \$43,500 for a single person and \$49,680 for a family of two. Mr. Payne said it is also important to note that this is not a low-income housing project.

Mr. Lawrence thanked Mr. Payne and the applicants and said he is happy to see a project such as this coming to Fredericksburg.

Dr. Gratz asked the applicants if there are any plans for the panhandle, such as community open space.

Mr. Charles Irick, Jr., (applicant) Acquisition Association for Humanities, said that they plan to provide green space and perhaps a few benches for residents to enjoy.

Dr. Gratz said the original GDP showed a drive area behind the building on the East side but that the new GDP has eliminated that drive.

Mr. Irick said that in order to reduce the building height from a four-story unit to a three-story unit, that they had to expand the footprint. He said that the original "drive" was to be used for trash pick up behind the building but that they now would do a front load pick up of trash.

Dr. Gratz asked if there will be sufficient room for emergency responses now that this drive has been eliminated.

Mr. McAfee said that Mr. Ocel had previously indicated that the Fire Chief has received the new GDP and would be providing his comments regarding emergency access prior to the next scheduled Commission meeting on the 26<sup>th</sup>.

Ms. Spears said she is still concerned with the reduction in parking spaces and asked Mr. Irick if they are comfortable with the parking being reduced to 58 spaces. She said she has visited places such as that proposed and asked if provisions have been made to provide parking for visitors.

Mr. Payne said they were indeed comfortable with this reduction. He said they had too much before and being able to reduce that number has been helpful. He said it is the experience of the applicants that not everyone will have a vehicle.

Mr. McAfee said he is not comfortable with the low number of parking spaces because you now have 60 units with only 58 spaces. He said that number leaves no spaces for visitors and asked how it would work if someone receives visitors.

Mr. Payne said that based on the applicants experience, the proposed 58 spaces is more than adequate for a 60 unit building of this nature. He said that one must remember that not everyone will have a vehicle and noted that there is a FRED bus stop at this location as well.

Mr. McAfee said he appreciates experience more than he does books but he asked the applicant if they could find some type of documentation that backs up that number he would be more comfortable.

Mr. Payne said he appreciates that but that the applicants also need to act in accordance with the ordinance and the ordinance requires only 1 parking space per three apartment units - that's all they are required to have.

Mr. McAfee said the ordinance does not allow this use so he is not sure the ordinance is applicable in this instance, in his opinion, but he appreciates Mr. Payne's viewpoint.

Mr. Payne said he would not respond to that comment.

There was no public comment on this item.

Being no further comment, Mr. McAfee closed the public hearing on this item.

### **OTHER BUSINESS**

#### **Planning Commissioner Comment**

None

#### **Planning Director Comment**

Mr. Ocel said her had sent an e-mail regarding an upcoming work session that will be scheduled for January 26, 2011, immediately following the Commission's regular meeting at 4:00 p.m., to discuss cluster developments, etc. Mr. Rigual noted that he would be unable to attend that work session.

Mr. Ocel said a joint work session has been scheduled for January 25, 2011 at 5:30 p.m. with the City Council, to discuss zoning ordinance updates.

### **ADJOURNMENT**

Meeting adjourned



Roy McAfee, Chair